

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SERGEI S. YATES, INDIVIDUALLY AND AS :
SOLE BENEFICIARY OF THE CHARLES B. :
YATES 1998 IRREVOCABLE TRUST NO. 2 :
AND THE SERGEI S. YATES SETTLEMENT :
TRUST, :

Plaintiff, :

v. :

ROY D. YATES, WINIFRED BENCHLEY, :
PNC BANK, AND ROBERT J. DELTUFO, :
ESQUIRE :

Defendants. :

JURY TRIAL DEMANDED

Civil Action No.
3:13-cv-03951-PGS-TJB

**VOLUNTARY DISMISSAL OF DEFENDANTS ROY D. YATES, WINIFRED
BENCHLEY, AND PNC BANK PURSUANT TO RULE 41(a)(1)(A)**

WHEREAS, an Amended Complaint in the above action was filed on July 22, 2013 and a Motion to Dismiss has been filed by each of the Defendants with a response date of October 21, 2013.

WHEREAS, there are related matters between Sergei S. Yates and Roy D. Yates, Winifred Benchley and PNC Bank currently pending in the New Jersey Superior Court, Probate Part, Mercer County before the Honorable Mary Jacobson.

WHEREAS, currently there are motions pending to amend the pleadings before Judge Jacobson, the disposition of which bears directly on this matter and is expected to be decided in or near January 2014.

WHEREAS, in light of the foregoing, Plaintiff Sergei S. Yates, by and through the undersigned counsel, files this voluntary dismissal without prejudice of Defendants Roy D.

Yates, Winifred Benchley, and PNC Bank, National Association pursuant to Federal Rule of Civil Procedure 41(a)(1)(A).

Respectfully Submitted,

/s/ Danielle M. Weiss
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Dated: October 21, 2013

CERTIFICATE OF SERVICE

I, Danielle M. Weiss, Esquire, hereby certify on this, the 21st day of October, 2013, a true and correct copy of the foregoing *Voluntary Dismissal of Defendants Roy D. Yates, Winifred Benchley, and PNC Bank Pursuant to Rule 41(a)(1)(A)* in the above captioned matter was filed via the E-Filing System and will be served upon the following parties electronically, via the Court's electronic filing system:

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By: /s/ Danielle M. Weiss